

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:	)	
	)	Chapter 15 Case
FAIRFIELD SENTRY LIMITED, et al.,	)	
	)	Case No: 10-13164 (SMB)
Debtors in Foreign Proceedings.	)	
	)	Jointly Administered
	)	
FAIRFIELD SENTRY LIMITED (IN LIQUIDATION) and	)	
FAIRFIELD SIGMA LIMITED (IN LIQUIDATION), acting	)	
by and through the Foreign Representatives thereof, and	)	Adv. Pro. No. 10-03635
KENNETH KRYSS and GREIG MITCHELL, solely in their	)	(CGM)
capacities as Foreign Representatives and Liquidators thereof,	)	
	)	
Plaintiffs,	)	
-against-	)	
	)	
ABN AMRO SCHWEIZ AG A/K/A ABN AMRO	)	
(SWITZERLAND) AG, et al.,	)	
	)	
Defendants.	)	
	)	
	)	
	)	
This document is also being filed in the lead adversary	)	
proceeding, <i>Fairfield Sentry Ltd. (in Liquidation), et al. v.</i>	)	
<i>Theodoor GGC Amsterdam, et al.</i> , Adv. Pro. No. 10-03496.	)	
	)	

**DEFENDANT-APPELLEE’S COUNTER-DESIGNATION OF ITEMS  
TO BE INCLUDED IN THE RECORD ON APPEAL**

Defendant-Appellee BBVA (Suisse) SA (“Defendant-Appellee”), by and through its undersigned counsel, respectfully submits, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, this counter-designation of items to be included in the record on appeal with respect to the appeal by Plaintiffs in the above captioned adversary proceeding of the February 26, 2021 Stipulated Order Granting In Part And Denying In Part Moving Defendants’ Second Consolidated Motion To Dismiss (“MTD Stipulated Order”), the December 14, 2020

Memorandum Decision (“December 14, 2020 Memorandum Decision”), the August 18, 2020 Order Denying Plaintiffs’ Motion for Leave to File Further Proposed Amended Complaints in the Twelve Actions (“MTA Stipulated Order”), the August 10, 2020 Memorandum Decision (“August 10, 2020 Memorandum Decision”), the December 6, 2018 Memorandum Decision (“December 6, 2018 Memorandum Decision”), and the August 6, 2018 Memorandum Decision and Order Regarding the Defendants’ Motions to Dismiss for Want of Jurisdiction (“August 6, 2018 Memorandum and Order”) (together, the “Appealed Decisions and Orders”) before the United States District Court for the Southern District of New York.

**COUNTER-DESIGNATION OF ITEMS TO BE  
INCLUDED IN THE RECORD ON APPEAL<sup>1</sup>**

1. All items designated or to be designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Appealed Decisions and Orders, including, without limitation, the items designated in Plaintiffs’ Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal (ECF No. 530)<sup>2</sup> and the items designated in Defendant-Appellees’ Counter-Designation of Items to be Included in the Record on Appeal filed on April 27, 2021 by co-defendants-appellees BNP Paribas (Suisse) SA, *et al.* (ECF No. 532).

**RESERVATION OF RIGHTS**

Defendant-Appellee expressly reserves the right to supplement the record on appeal or cross-appeal and to adopt the designation of any items designated or counter-

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<sup>1</sup> Items designated include all exhibits and submissions attached thereto and, as to hearing transcripts, any and all documents admitted into evidence.

<sup>2</sup> Unless otherwise specified, citations to (ECF No. \_\_\_\_ ) refer to docket entries from *Fairfield Sentry Limited, et al. v. ABN AMRO Schweiz AG a/k/a ABN AMRO (Switzerland) AG*, Adv. Pro. No. 10-03635-smb (SMB) (Bankr. S.D.N.Y.).

designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Appealed Decisions and Orders.

Dated: April 27, 2021  
New York, New York

Respectfully submitted,

**WINSTON & STRAWN LLP**

By: /s/ Keith R. Palfin

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